

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
Boston Division**

JAMES HAKKINEN

Plaintiff

vs.

Civil Action No.: 4:05-cv-40094-FDS

NATIONAL RAILROAD  
PASSENGER CORPORATION,

Defendant

**PROPOSED JOINT SCHEDULING PLAN  
PURSUANT TO RULE 16(B) AND 26(F)**

1. Statement of the Case

This case involves a personal injury action brought pursuant to an Act of Congress known as the Federal Employer's Liability Act (FELA), 45 U.S.C., Sec. 51 et seq. James Hakkinen worked for the defendant from 1990 to present, as a track maintainer whose duties involve the inspection and repair of railroad track.

As a result of his job duties, Plaintiff was exposed to the occupational risk factors for repetitive trauma injury to his hands and wrists. It is Plaintiff's claim that as a result of the Defendant's negligence, Plaintiff suffered occupational hand injuries, including carpal tunnel syndrome.

Defendant failed to provide Plaintiff with a safe work environment under the FELA, specifically, failing to provide an adequate and timely ergonomics program, adequate equipment and/or manpower to perform his duties.

The Defendant denies Plaintiff's claims and further denies that its' alleged negligence was the proximate cause of Plaintiff's injuries.

2. Joint Discovery Plan

The attorneys for the parties have reached an agreement for a proposed Pretrial schedule as follows:

- (a) All additional parties shall be joined by January 15, 2006.
- (b) Amendment of pleadings shall be completed by January 15, 2006.
- (c) Parties will exchange initial disclosures by February 15, 2006.
- (d) All fact discovery should be completed by May 15, 2006.
- (e) All experts who may be witnesses for the Plaintiff shall be designated no later than May 15, 2006.
- (f) All experts who may be witnesses for the Defendant shall be designated no later than June 15, 2006.
- (g) All expert discovery shall be completed by July 15, 2006.
- (h) All motions for Summary Judgment to be filed by August 15, 2006.

Thomas J. Joyce, III, Hannon & Joyce, counsel for Plaintiff, James Hakkinen, and Paul J. Sahovey, Massachusetts Bay Transportation Authority, counsel for Defendant, National Railroad Passenger Corporation, have conferred concerning the above discovery schedule and expenses.

Counsel for the parties have discussed informally exchanging discovery to reduce the cost of litigation to our clients and agreed to conform to the obligation to limit discovery set forth in F.R.C.P. 26(b). Discovery is expected to

include all relevant information including but not limited to Plaintiff's work and medical history as well as Defendant's safety, medical and ergonomic efforts regarding occupational hand injuries and carpal tunnel syndrome.

The parties and their respective counsel have conferred regarding settlement.

Dated: 12/7/05

ATTORNEY FOR PLAINTIFF

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Local Counsel for Plaintiff

Respectfully Submitted,

ATTORNEY FOR DEFENDANT

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**REPORT OF PARTIES' PLANNING CONFERENCE**

Pursuant to this Court's Order, Thomas J. Joyce, III, representing Plaintiff, and Paul J. Sahovey, representing the Defendant, met on December 2, 2005 pursuant to Rule 26(f) to discuss:

- (1) the nature and basis of their claims and defenses;
- (2) the possibility for a prompt settlement or resolution of this case;
- (3) to make or arrange for the disclosures required under Rule 26(a)(1); and
- (4) to develop a discovery plan.

To that end, the parties propose the following:

A. The issues in this case may be simplified by taking the following steps:

1. The parties have exchanged written Interrogatories and Request for production of Documents;
2. Defendant has taken Plaintiff's discovery deposition;
3. Plaintiff will be made available for defense medical examination;

4. Plaintiff will take the discovery deposition of Defendant's Safety Director, and Medical Director; and

5. The parties will conduct site inspection of Plaintiff's workplace.

B. The following modifications to the discovery requirements of the Federal Rules of Civil Procedure or Local Rules should be made in order to expedite discovery:

1. None

C. Discovery will be needed on the following subjects:

1. Plaintiff's work history;  
2. Plaintiff's medical history;  
3. Plaintiff's exposure to risk factors for carpal tunnel syndrome;

4. Defendant's ergonomic program to prevent occupational hand injury and carpal tunnel syndrome;

5. Causation; and

6. Plaintiff's economic and non-economic damages

D. Discovery should be conducted in phases.

E. Discovery is not likely to be contentious and management of discovery should be referred to the Magistrate Judge. YES \_\_\_\_\_ X  
\_\_\_\_\_ NO

F. The parties do not consent to this matter being referred to the Magistrate Judge for final disposition.

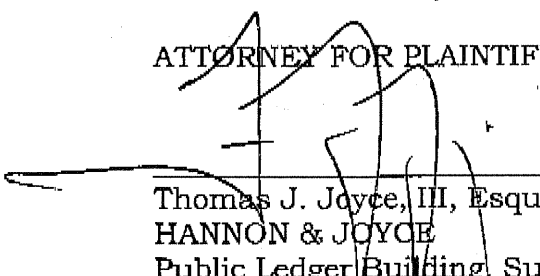
G. The parties have discussed the possibility of alternative dispute resolution and concluded: Alternative dispute resolution is not needed in this case.

H. The parties have discussed a prompt settlement or other resolution of this matter. The Plaintiff has made a written demand of \$100,000.00, and the Defendant has offered \$0.

I. The Court should consider the following methods of expediting the resolution of this matter.


Dated: December 2, 2005

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